JONES DAY

Facsimile Transmission

77 West Wacker • Chicago, Illinois 60601-1692 • (312) 782-3939
Facsimile: (312) 782-8585
jmphilpott@jonesday.com

May 4, 2011

Please hand deliver the following facsimile to:

Name **Paul R. Fisher**

Company: **USPTO**

Telephone No.:

Send Copies To:

☐ **Copies distributed** _____
Operator's initials

Facsimile No.: **571-270-6097**

Number of pages (including this page): **6**

From: **Justin M. Philpott**

Direct Telephone No.: **(312) 269-4152**

JP No.: **JP011036**

CAM No · **146335-999014**

Re:

Message:

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • DUBAI • FRANKFURT • HONG KONG • HOUSTON
IRVINE • LONDON • LOS ANGELES • MADRID • MEXICO CITY • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK • PARIS
PITTSBURGH • SAN DIEGO • SAN FRANCISCO • SHANGHAI • SILICON VALLEY • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

<div align="right">
PATENT

Attorney Docket No. 146335-999014
</div>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	:	Scott Mueller
Serial No.	:	10/790,469
Filing Date	:	03/01/2004
For	:	SYSTEM AND METHOD FOR IDENTIFYING RETAIL TIRE SALES OPPORTUNITIES
Art Unit	:	3689
Examiner	:	Paul R. Fisher Fax. No. (571) 270-6097

Examiner Interview Request

Examiner Paul R. Fisher:

Thank you for agreeing to an Examiner Interview scheduled for May 5, 2011 at 3 pm EST. As you have requested, below is a brief listing of issues for discussion concerning the above captioned application and the Final Office Action dated February 14, 2011 (hereafter "Final Office Action").
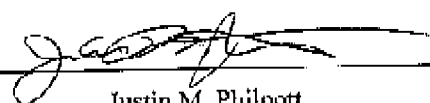
1) All pending claims 1-17 and 26 stand rejected in the Final Office Action under 35 U.S.C. § 103(a) as being allegedly unpatentable in view of certain combinations of references, each combination including a reference by James H. Byrd entitled, "Manage Your Inventory in Excel" (hereafter "Byrd"). The Byrd reference in the file history of the instant application has a copyright date of year 2008 (see Byrd at page 8 of 8, "Copyright 2008 by Logical Expressions, Inc. Sandpoint, Idaho") and a print date of July 30, 2009 (see Byrd at footer, "7/30/2009"). Applicant's filing date precedes the 2008 copyright and the 2009 print date of the Bryd reference.

Thus, Byrd is not prior art. Accordingly, applicant respectfully requests that the pending claim rejections and finality of the most recent office action be withdrawn. To the extent Examiner subsequently issues new claim rejections, *e.g.*, that do not rely on the Byrd reference, such an office action should be made non-final. *See* MPEP § 706.07(a).

2) The prior art of record fails to disclose methods concerning a "tire tread index" that "varies according to carline and represents a percentage of cars serviced by the service center which have a tire tread depth less than a tread depth threshold" as recited in independent claims 1 and 12. A copy of pending independent claims 1 and 12 are attached for reference.

May 4, 2011   By: _____
                                          Justin M. Philpott
                                          Reg. No. 59,945
                                          JONES DAY
                                          77 W. Wacker Dr.
                                          Chicago, IL 60601
                                          (312) 269-4152

-2-

INDEPENDENT CLAIMS 1 AND 12

1. A computer-implemented method of evaluating potential sales and business opportunities relating to establishing tire sales at an automotive service center by calculating metrics that include a projected tire sales for the automotive center, comprising:

collecting operational data from the service center and storing the operational data in a computer-readable memory, wherein the operational data comprises an average number of repair order requests per time period, a number of days the service center is open per time period, and identification of one or more carlines serviced;

calculating a maximum expected number of tires to be sold for each carline per time period using one or more data processors and storing the maximum expected number in a computer-readable memory, wherein the maximum expected number is equal to the average number of repair order requests per day multiplied by the number of days the service center is open per time period multiplied by four multiplied by a tire tread index, wherein the tire tread index varies according to carline and represents a percentage of cars serviced by the service center which have a tire tread depth less than a tread depth threshold;

determining a tire sales goal for each carline, the tire sales goal being a fraction of the maximum expected number using the one or more data processors and storing the tire sales goal in a computer-readable memory; and

calculating the projected tire sales for the automotive service center using the one or more data processors by adding an average retail tire price for a tire associated with a carline to a charge for services involved in mounting and balancing a tire to generate a sum, multiplying the sum by the tire sales goal for the carline, and scaling to the time period to generate a tire sales for a carline, and summing the tires sales for each carline to determine a total projected tire sales for

-3-

the automotive service center and storing the projected tire sales for the automotive service center in a computer-readable memory.

12. A computer-implemented method of evaluating potential sales and business opportunities relating to establishing tire sales at an automotive service center affiliated with a car dealership, wherein the dealership sells new, used, and certified pre-owed cars by calculating metrics that include a business opportunity metric, comprising:

collecting operational data from the service center and storing the operational data in a computer-readable memory, wherein the operational data comprises an average number of repair order requests per time period, a number of days the service center is open per time period, and an identification of one or more carlines serviced;

calculating a maximum expected number of tires to be sold for each carline per time period using one or more data processors and storing the maximum expected number in a computer-readable memory, wherein the maximum expected number is equal to the average number of repair order requests per day multiplied by the number of days the service center is open per time period multiplied by four multiplied by a tire tread index, wherein the tire tread index varies according to carline and represents a percentage of cars serviced by the service center which have a tire tread depth less than a tread depth threshold;

determining a tire sales goal for each carline, the tire sales goal being a fraction of the maximum expected number using the one or more data processors and storing the tire sales goal in a computer-readable memory; and

calculating a projected tire sales using the one or more data processors and storing the projected tire sales in a computer-readable memory by adding an average retail tire price for a

4

tire associated with a carline to a charge for services involved in mounting and balancing a tire to generate a sum, multiplying the sum by the tire sales goal for the carline, and scaling to the time period to generate a tire sales for a carline, and summing the tires sales for each carline to determine a total projected tire sales;

calculating a certified pre-owned savings associated with tire sales using the one or more data processors and storing the projected tire sales in a computer-readable memory, wherein the certified pre-owned savings is calculated by comparing a cost associated with outsourcing replacement of certified pre-owned car tires with a cost associated with internally supplying new tires to the certified pre-owned cars; and

calculating the business opportunity metric using the one or more data processors and storing the business opportunity metric in a computer-readable memory by adding together the total projected tire sales and the certified pre-owned savings.

-5-